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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/786,755   | 02/24/2004  | James Ibbetson       | P0285US-7           | 2851             |
| 23935  | 7590        | 03/23/2010           |                     | EXAMINER         |
| KOPPEL, PATRICK, HEYBL & DAWSON<br>2815 Townsgate Road<br>SUITE 215<br>Westlake Village, CA 91361-5827 |             |                      | PERRY, ANTHONY T    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/786,755 | <b>Applicant(s)</b><br>IBBETSON ET AL. |
|                              | <b>Examiner</b><br>ANTHONY T. PERRY  | <b>Art Unit</b><br>2879                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 November 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,5-21,23,24 and 27-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,5-21,23,24 and 27-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statements (PTO/SB/06)  
 Paper No(s)/Mail Date 11/09/09, 2/22/10
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/09 has been entered.

Claim 3 has been cancelled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-17, 32-39, and 44-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeh et al. (US 2001/0000622).

Regarding claim 1, Reeh et al. disclose an emitter, comprising: a light source (1) which emits a first spectrum of light; and a hemispheric shaped conversion material region (4) formed separately from said light source (1) and including conversion particles distributed uniformly throughout, said conversion material region (4) positioned in proximity to said light source (1) such that at least some of said light source light passes through said conversion material region, said conversion material region shaped such that said light passing through travels through substantially similar thicknesses of said conversion material region, said conversion particles absorbing at least some of said light source light passing through said conversion material region

and emitting a second spectrum of light, wherein said first spectrum of light and said second spectrum of light are combined within said conversion material region, said emitter emitting a combination of said first and second spectrums at a substantially uniform color and intensity (for example, see Fig. 3 and paragraphs 24-25, 53, and 91).

Regarding claim 2, the light source (1) emits said first spectrum of light along a plurality of light paths extending through said conversion material region (4), each light path extending through a substantially equal amount of conversion particles (for example, see paragraphs 24-25).

Regarding claim 5, the conversion material region includes scattering particles which redirect at least some of said first and second spectrum of light (for example, see paragraphs 54-55).

Regarding claim 6, Reeh et al. teach the conversion material region (4) comprises a glass lens (29) (for example, see Fig. 3 along with paragraph 91).

Regarding claim 7, the glass lens is formed separately from said light source and bonded proximate to said light source (1) (for example, see paragraph 91).

Regarding claim 8, the conversion material region (4) comprises a phosphor loaded cap (17) (for example, see paragraph 93).

Regarding claim 9, Reeh et al. disclose a phosphor loaded cap (6) shaped to fit closely over one or more of the surfaces of said emitter such that said light source light passing through said phosphor cap passes through substantially the same amount of said conversion particles (for example, see Fig. 6).

Regarding claim 10, the phosphor loaded cap shown in figure 4 inherently includes a perforation for receiving an electrical contact to said light source since the wire (electrical contact) connects to the light source (1) through the cap (6).

Regarding claim 11, Rhee et al. teach the perforation is at least partially filled with at least one of conversion particles and scattering particles (for example, see paragraphs 53-55 and 104-105).

Regarding claim 12, the phosphor loaded cap (17) is formed separately from said light source (1) and bonded proximate to at least one of the surfaces of said light source (for example, see Fig. 3 and paragraph 93).

Regarding claim 13, the emitter comprises a submount (8), said light source mounted to said submount and said conversion material region (4) mounted to said submount (8) (for example, see Fig. 4).

Regarding claim 14, the conversion material region is hemispheric shaped (when including the lens (29) as part of the conversion region as taught in paragraph 94) and said light source (1) is arranged to emit light toward the base of and through said conversion material region (4) (for example, see Fig. 3).

Regarding claim 15, Rhee et al. teach the light source comprising a light emitting diode (1).

Regarding claim 16, the emitter emits a spectrum of light that is a combination of said first and second spectrums of light (for example, see paragraphs 53-54).

Regarding claim 17, the conversion material region (4) is positioned in relation to said light source (1) such that there is a space between the two (see Fig. 3).

Regarding claim 32, Rhee et al. teach a method of fabricating an emitter, comprising: providing a light source (1); providing a separately formed hemispheric conversion material region (4) which includes conversion particles distributed uniformly throughout; and bonding said conversion material region proximate to said light source, said conversion material region being positioned so that at least some of the light emitted from said light source at different angles flows through said conversion material region and through the substantially the same amount of conversion particles (for example, see Fig. 3 and paragraphs 24-25, 53-54, and 93).

Regarding claim 33, Rhee et al. teach further including a step of providing a submount (8), said light source (1) being bonded to a first surface of said submount (8).

Regarding claim 34, the conversion particles are distributed throughout said conversion material region (4) so that said emitter emits light having a substantially uniform color distribution and/or a substantially uniform intensity. (for example, see paragraphs 53-54).

Regarding claim 35, the step of providing said conversion material region includes a step of providing a lens (29) which includes said hemispheric conversion material region (4) (for example, see paragraph 94).

Regarding claim 36, the step of bonding said conversion material region proximate to said light source includes a step of bonding said lens to one of said first surface and a second surface of said submount (8) (for example, see paragraphs 93-94).

Regarding claim 37, the step of providing said lens includes a step of providing a lens with an opening configured to allow said lens to at least partially surround said light source (1) (for example, see Fig. 5).

Regarding claim 38, the step of providing said submount (8) includes a step of providing one of a flat submount and a cup-shaped submount (see Fig. 3).

Regarding claim 39, the submount includes a cup-shaped submount with a third side configured to reflect at least a portion of the light re-emitted from said conversion material region (see Fig. 3).

Regarding claim 40, the step of providing said conversion material region includes a step of providing a phosphor loaded cap which includes said conversion material region having an inside surface that is shaped (planar/flat) substantially the same as the outside surface of said light source (see Fig. 3, note that the transparent encapsulation (15) is considered part of the light source).

Regarding claim 41, the step of providing said phosphor loaded cap (4) includes a step of providing a phosphor loaded cap which is shaped to at least partially surround said light source (1) (see Fig. 3).

Regarding claim 42, the step of providing said phosphor loaded cap (6) inherently includes step of providing a phosphor loaded cap with a perforation for engaging a contact since the contact (wire (14)) is shown extending through the phosphor loaded cap shown in figure 4.

Regarding claim 43, a step of filling said perforation with at least one of conversion particles and scattering particles (for example, see paragraphs 53-55 and 104-105).

Regarding claim 44, Rhee et al. teach an emitter, comprising: a light source (1) emitting a first spectrum of light; and a substantially hemispherical lens element molded separately from said light source having a uniform distribution of wavelength conversion material dispersed throughout (see paragraphs 53, 91, and 93-94), said lens element disposed proximate to said light source such that most of the light emitted from said source over the entire range of angles interacts with substantially equal amounts of said wavelength conversion material, wherein the light transmitted from said lens element into the ambient; wherein said emitter emits a second

spectrum of light having substantially uniform color and intensity distributions over the entire range of viewing angles (for example, see Fig. 3 and paragraphs 24-25 and 554).

Regarding claim 45, the wavelength conversion material comprises phosphor conversion particles (for example, see paragraphs 33-35).

Regarding claim 46, the first spectrum comprises blue light and said second spectrum comprises blue and yellow light such that said second spectrum appears white to the human eye (for example, see paragraph 25).

Regarding claim 47, the lens element further comprising a perforation large enough to accommodate an electrical connection (14) to said light source through said lens element (for example, see Fig. 6).

Regarding claim 48, the perforation is at least partially filled with said wavelength conversion material (for example, see paragraphs 53-55 and 104-105).

Claims 18-21, 23-24 and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Odaki et al. (US 2001/0050371).

Regarding claim 18, Odaki et al. teach an emitter, comprising: a light source which emits a first spectrum of light, said light source comprising first (not labeled, but shown has hemispheric contact on top of light emitting element (1)) and second (3) electrical contacts on opposite surfaces of said light source; and (1) which emits a first spectrum of light; and a conversion material region (2') having an inside surface that is substantially the same shape as a plurality of outside surfaces of said light source, said conversion material region comprising a phosphor loaded cap (2') perforated to allow said first contact (not labeled, but shown has hemispheric contact on top of light emitting element (1)) to be housed within said phosphor loaded cap (2'), said conversion material region formed separately (paragraph 48 states that the

cap 2' is formed by adhering it to the light emitting element) from said light source and positioned on said light source, said conversion material region (2') arranged to absorb at least some of the light emitted by said light source and re-emit light at a second spectrum of light, said emitter emitting a combination of said first and second spectrums of light in a uniform third spectrum of light (for example, see Fig. 1B and paragraphs 48, 56, and 60-61).

Regarding claim 19, the conversion material region is separable from said position on said light source (1) (for example, see paragraph 58).

Regarding claim 20, the emitter further comprises a submount (3), wherein said light source is positioned on a first surface of said submount (3) (see Fig. 1B).

Regarding claim 21, the submount (3) is configured to reflect some of said first and second spectrums of light (see Fig. 1B).

Regarding claim 23, at least one of said submount (3) surface reflects some of the first and second spectrums of light to said conversion material region (2') (see Fig. 1B).

Regarding claim 24, submount (3) includes one of a cup-shaped submount and a flat submount (see Fig. 1B).

Regarding claim 27, the conversion material region comprises a phosphor loaded cap (for example, see paragraph 61).

Regarding claim 28, the phosphor loaded cap (4) is shaped to fit the shape of said light source (1) (for example, see Fig. 6).

Regarding claim 29, the phosphor loaded cap (21) is formed separately from said light source and bonded to said light source (1) (see Fig. 3).

Regarding claim 30, the conversion material region (2') is positioned in relation to said light source such that there is a space between the two, said space chosen to obtain substantially uniform emission of said third spectrum of light (for example, see Fig. 1B).

Regarding claim 31, the conversion material region is positioned in relation to said light source such that there is a space between the two, said space chosen to provide said third spectrum of light with at least one of a desired color and intensity (for example, see paragraphs 45).

*Response to Arguments*

Applicant's arguments with respect to independent claims 1, 32, and 44 have been fully considered but they are not persuasive. The teaching relied upon is the alternative lens structure to the one shown in figure 3, wherein Rhee teaches the lens component (having a hemispheric shape) is itself the conversion material region (see paragraph 91). Rhee teaches the conversion material regions distributed uniformly in the luminescent conversion layer not having a constant thickness (see Figs. 1, 5, and 10 and paragraphs 51-54). Accordingly, it is understood that in the alternative lens structure the particles would have been distributed uniformly.

Applicant's arguments with respect to independent claims 18 have been fully considered but they are not persuasive. Applicants arguments, including the citation of paragraph 0050, relate to the embodiment shown in figure figures 2A and 2B, however, the examiner has relied on the embodiment shown in figure 1B. The perforation is the bump in the phosphor cap (2') that allows for the first electrical contact (not labeled, but shown has hemispheric contact on top of light emitting element (1)) to be housed within the phosphor cap (2').

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is **(571) 272-2459**. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. **The fax phone number for this Group is (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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